



State of Arizona

Janice K. Brewer
Governor

Office of the Governor
1700 West Washington Street, Phoenix, AZ 85007

Main Phone: 602-542-4331
Facsimile: 602-542-7601

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CONTACT: Paul Senseman
(602) 542-1342
psenseman@az.gov

Governor Jan Brewer Announces Arizona Has Officially Joined the Multistate, Bipartisan Health Care Lawsuit

Arizona Joins 19 States to Block Unconstitutional Federal Mandate

PHOENIX – Governor Jan Brewer announced today that she has officially joined on behalf of the State of Arizona with nineteen other states who have filed a lawsuit in federal court challenging the constitutionality of the federal health care legislation.

“As I previously stated, by passing this onerous federal mandate, Congress has exceeded its authority and left the State of Arizona no option but to challenge its unconstitutional act in federal court,” said Governor Brewer. “Health care regulation is a power reserved to the States by the Tenth Amendment of the U.S. Constitution. Congress has overreached by requiring individuals to purchase health insurance and penalizing them if they do not.”

“I have joined this suit on behalf of the citizens of Arizona to assure our State has a voice in the legal proceedings and to assure that Arizona citizens enjoy the benefits and protections of the lower court rulings in favor of the states. This matter is too important for our State to sit back and do nothing.”

The multistate coalition today filed an amended complaint in the lawsuit challenging the federal health care reform act. The amended complaint now features 20 state plaintiffs; additionally, the National Federation of Independent Businesses (NFIB) joined the lawsuit as a co-plaintiff on behalf of its members nationwide. The individual mandate directly affects the NFIB and its members by requiring those individuals to obtain health care or pay a penalty, giving the NFIB a distinct basis to represent its individual members and join the lawsuit.

The original lawsuit was filed against the U.S. Department of Health and Human Services, U.S. Department of Treasury and the U.S. Department of Labor on March 23, 2010, minutes after the health care reform act was signed into law by President Obama. In addition to Arizona, the states of Indiana, North Dakota, Mississippi, Nevada, Georgia and Alaska formally joined the lawsuit today.

The lawsuit, filed in federal court in the Northern District of Florida on March 23, alleges that the new law infringes upon the constitutional rights of Arizonans and residents of the other states by

mandating that all citizens and legal residents have qualifying health care coverage or be investigated and penalized by the Internal Revenue Service. By imposing such a mandate, the law exceeds the powers of the United States under Article I of the Constitution. Additionally, the tax penalty required under the law constitutes an unlawful direct tax in violation of Article I, sections 2 and 9 of the Constitution.

The lawsuit further claims the health care reform law infringes on the sovereignty of the states and Tenth Amendment to the Constitution by imposing onerous new operating rules that Arizona must follow as well as requiring the state to spend additional dollars without providing funds or resources to meet the state's cost of implementing the law. It is estimated that Arizona taxpayers will be required to provide over \$11 billion to pay for the new federal mandate.

Although Governor Brewer is authorized to appear and speak on behalf of the State of Arizona in legal matters, the Arizona Legislature, at the request of Governor Brewer, eliminated any doubt by passing a law permitting the Governor to initiate a legal proceeding or appear on behalf of the State to challenge Washington's unconstitutional action.

"The costs associated with the litigation will be minimal (under \$5,000), but nothing compared to the enormous costs that this unconstitutional mandate will exact upon Arizona not only in raw dollars, but by relinquishing our precious liberties guaranteed under the U.S. Constitution," said Governor Brewer.

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